

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES B. PEMBERTON, II,

Petitioner,

v.

KYLE WALKER, STATE OF WISCONSIN,  
ADA JESSICA MILLER, and DA KENNETH  
HAMM,

Respondents.

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ORDER

Case No. 23-cv-476-wmc

James B. Pemberton, II filed a document on July 14, 2023, that was originally docketed as a civil complaint in the case referenced above. The document is entitled "Petition for Review of Appeals Court Decision." Pemberton paid the \$402 filing fee for a new civil case. On closer inspection, the document is not a civil complaint, but a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The filing fee for a habeas petition is only \$5, so I will instruct the clerk of court to retain \$5 and refund the remaining \$397 to the petitioner.

ORDER

IT IS ORDERED that the clerk of court shall refund \$397 to petitioner James B. Pemberton, II and retain \$5 of his \$402 payment to apply to the filing fee in this case.

Entered this 20th day of July, 2023.

BY THE COURT:

/s/

ANDREW WISEMAN  
Magistrate Judge